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PART IV

Legislative measures and Rules thereunder.

NOTIFICATIONS.

No. R. 2180—L. R. 131-32-17, dated Bangalore, 10th November 1934.

In exercise of the powers vested in them by Section 56 (1) of the Mysore Irrigation Regulation I of 1932, the Government of His Highness the Maharaja of Mysore are pleased to make the following rules under the said Regulation. The rules will come into force at once.

By Order,
S. ABDUL WAJID,
Secretary to Government,
General Department.

Rules under the Mysore Irrigation Regulation.

In exercise of the powers conferred by Section 56 (i) of the Mysore Irrigation Regulation No. I of 1932, the Government of His Highness the Maharaja of Mysore are pleased to issue the following rules :—

1. In all matters wherein an enquiry is required under the Irrigation Regulation, the Deputy Commissioner or Irrigation Officer shall, except in cases otherwise provided for in the Regulation, follow the procedure prescribed for summary enquiries in the Land Revenue Code.

2. When an application is received under Section 8 of the Regulation for the construction, extension, improvement or alteration of a water course, the Irrigation

Officer shall issue a notice to all persons that may be affected by such construction, extension, improvement or alteration, specifying a time within which objections must be filed. The Irrigation Officer shall enquire into the validity of the objection or objections, if any, and pass orders in consultation with the Irrigation Panchayet or Board, if one exists for the locality or irrigation work. The order under this section shall be in writing and shall set forth the grounds on which it is based.

3. (*a*) All Irrigation Officers may exercise the powers of the Deputy Commissioner under Section 13 (1) of the Regulation in respect of irrigation works within their jurisdiction.

(*b*) When the regulation of water-supply is considered necessary in respect of any irrigation work by the Deputy Commissioner of the District or the Irrigation Officer having jurisdiction over the work, he shall draw up provisional proposals and issue a notice calling for objections, if any, from raiyats holding lands under the irrigation work and from the Irrigation Panchayet or Board, within a specified date, to the proposed regulation of water, and shall pass a final order after considering the objections that may be received.

(*c*) If the officer taking action as above is himself not a Public Works Department Officer, he shall invariably consult the Executive Engineer of the Division before passing final orders.

4. (*a*) Applications for supply of water from a new Irrigation work shall be in the form given in Appendix 'A.' They shall be submitted in triplicate; one copy will be filed by the Irrigation Officer and another copy with the Irrigation Officer's order shall be returned to the party duly signed, while the third copy with the Irrigation Officer's order shall be sent forthwith to the Amildar or Deputy Amildar of the Taluk or Sub-Taluk, who shall take steps for the collection of the water rate and the contribution, if any.

(*b*) The period and terms of supply of water desired for irrigation from a new irrigation work shall be regulated by the rules issued in respect of such work, and, in the absence of such rules, by the provisions of Section 13.

The rates leviable for the supply of water for irrigation from a new irrigation work shall, unless the same are fixed by a notice published under Section 29 or by rules framed in this behalf under Section 14, Sub-Section 1, be

determined in conformity with the provisions of the Land Revenue Code, 1888, and the rules thereunder.

5. *Maintenance of Irrigation Works.*—In the case of branch river channels and distributary channels from tanks which are solely intended for purposes of irrigation, the liability to perform customary labour under Section 35 (1) of the Irrigation Regulation shall be enforced only on raiyats holding wet and garden lands thereunder.

6. The quantum of labour to be contributed by the persons liable therefor shall be decided according to the assessment paid by each of them for lands, houses or other property, etc., attached to the village. The proportion of labour to be contributed by Inamdars shall also be fixed in the same manner, their lands, etc., being valued at the same rates as those paid for similar property belonging to Sirkar raiyats. For the purposes of this rule, one rupee of the dry assessment or Village Panchayet Tax shall be regarded as one-third of a rupee of wet and garden assessment.

The apportionment of labour under this rule shall be made by the Patel under the instructions of the Revenue Inspector and Amildar and in case of dispute, shall be subject to appeal to higher authorities.

7. The maintenance work shall be carried out simultaneously by all the raiyats at periods to be fixed by the Amildar. Nevertheless, the Patel shall have the power to call upon the raiyats to do slight repairs in times of emergency, such as rains or floods, and such requisition shall be promptly attended to.

8. In case of default by any individual in the execution of his obligations, the portion of the work that ought to have been done by the defaulter shall be carried out by paid labour, after observing the formalities prescribed in Section 37, and a sum equivalent to the cost thereof shall be recovered from the defaulter as a revenue demand.

9. In the case of a wholesale default by all the raiyats holding lands under the tank, or of cumulative neglect, the cost thereof shall be distributed amongst the persons liable for payment in the same proportion as the portion of the work they were liable to perform under Rule 6.

10. Whenever, in view of the large number of villages commanded by a tank or channel, or for any reason, the Deputy Commissioner deems it impracticable to have any or all of the items of customary work done

by the raiyats, he may make a recommendation to Government with the consent of two-thirds of the number of persons bound to perform such labour, to commute it into a cash payment.

11. The rate of acreage cess to be levied shall be specified by Government while sanctioning the recommendation of the Deputy Commissioner, in consultation with the Chief Engineer, and it shall be such as will cover in the aggregate the probable annual cost of the maintenance work in lieu of which it is recovered.

Irrigation Panchayets and Boards.

12. When the constitution of an Irrigation Panchayet for a village has been decided upon, the date on which and the time and place at which election to the Panchayet shall be held, shall be fixed by the Amildar, due notice thereof being given by beat of *tom-tom* in the village, not less than a week before the date fixed for the election. A copy of the notice shall be hung up in the Chavadi or at any other conspicuous place in the village a week before the date of election.

13. All the raiyats who are liable to contribute customary labour under Sections 35 and 38 of the Regulation shall be entitled to vote and to be elected to the Panchayet, except those who are below 21 years of age or who may be otherwise declared as disqualified by the Deputy Commissioner.

14. The Amildar shall admit to the place specified in the notice only such persons as are entitled to vote. He shall then and there hear and decide any objection to the admission or exclusion of a person as a voter and his decision shall be final.

15. No election shall take place unless more than half the number of persons qualified to vote are present at the meeting.

16. At the meeting, the Amildar shall first make a list of all persons who may either offer to stand for election or may be suggested for candidature, read their names and take votes by the show of hands or in any other manner that he may think fit.

17. Ordinarily, the Patel shall be the Chairman of the Panchayet, but the Deputy Commissioner may, for valid reasons, appoint any other member of the Panchayet as Chairman.

18. The constitution of an Irrigation Panchayet shall be notified in the Official Gazette.

19. The Deputy Commissioner may, if he thinks fit, remove at any time during the term of a Panchayet, any member of such Panchayet for failure to discharge his duties, or for misconduct or incapacity.

The vacancy that arises by the removal of a member as aforesaid or by death, resignation or any other cause, shall be filled up as soon as conveniently may be by the Panchayet from amongst those entitled to be elected and the person so appointed, shall hold office during the rest of the term of that Panchayet.

20. When an Irrigation Panchayet comes into existence, the enforcement of the customary obligations of the raiyats for the maintenance and upkeep of all the irrigation works in their charge shall thereafter vest in the Panchayet subject to the control of the Amildar.

21. The Panchayet shall have the power to apportion the work required for the maintenance and upkeep of the irrigation work or works under its control among the raiyats according to their respective obligations, subject to the conditions laid down in Rules 6 to 9 *supra*.

22. (1) The Panchayet shall have power to sell—

(*a*) the right of fishing in the tank or tanks under its control ;

(*b*) the right of grazing in the tank bed and the right of cutting and removing the grass on the tank bund ; and

(*c*) the produce of the trees in the tank and on the bund, if any.

(2) The Panchayet shall also have power to grant the bed of the tanks under its control for temporary cultivation of quick growing crops on such terms as regards payment of rent or share of produce as may be deemed fit by it, provided that it shall be competent to the Deputy Commissioner to prohibit such cultivation in any tank or in any season.

23. (1) The Panchayet shall have control over a fund to be called the Irrigation Fund, made up of the following items :—

(*a*) The amounts collected from raiyats under Rule 21.

(*b*) The rent or value of the share of produce or the sale proceeds received under Rule 22.

(c) Such grant of Irrigation Cess Fund as the Government may from time to time make to the fund.

(d) Any other grant which the Government may make to the fund.

(e) Any advance which the Government may make to the Panchayet for the execution of masonry and stone work, and

(f) Any loan which the Government may make to the Panchayet for carrying out the purposes of the Regulation.

(2) The fund shall be deposited in a Government Savings Bank or with a Co-operative Society approved by the Deputy Commissioner and shall be available to the Panchayet for the maintenance and upkeep of the irrigation works under its control.

24. All moneys due to the Irrigation Fund under Rule 23, shall, in default of payment by the person from whom such moneys may be due, be recoverable by the Amildar as an arrear of land revenue.

25. (a) Ordinarily, the Panchayet shall meet once every two months.

(b) Special meetings may, on the requisition of two members, or at the discretion of the Chairman, be held as often as necessary.

(c) The Chairman shall give due notice of the date on which and the time and place at which the meeting shall be held to all the members of the Panchayet.

(d) No business shall be transacted at any meeting at which two-thirds of the members are not present.

(e) Every meeting shall be presided over by the Chairman and in his absence by one of the members chosen by the meeting for the occasion.

(f) All questions shall be decided by a majority of votes of the members present and voting, the Chairman having a casting vote in all cases of equality of votes.

(g) All decisions arrived at shall be recorded in a book kept for the purpose and shall be signed by the Chairman.

26. Every Panchayet shall maintain the following accounts and books :—

(a) Cash Book	(d) Proceedings Book
(b) Tank Register	(e) Ledger
(c) Work Register	(f) Inspection Book

27. The accounts shall be systematically audited by one of the members of the Panchayet to be appointed by it as Auditor for each year. They will be open to inspection by all Revenue and Public Works Department Officers of and above the grade of Revenue Inspectors and Public Works Department Sub-Division Officers, and will be checked by the Amildar and Deputy Amildar once a quarter, a report of the result of such a check being made to the Deputy Commissioner through the Sub-Division Officer. It shall also be the duty of the Huzur Jamabandi Officer to check these accounts regularly and to certify to their accuracy.

28. Every Panchayet shall submit the following accounts and returns to the Amildar or Deputy Amildar, once a quarter not later than the 20th of October, January, April and July in each year :—

(1) Quarterly Demand, Collection and Balance Statement;

(2) Copies of Proceedings of the Panchayet; and

(3) Statement showing the progress of works undertaken by the Panchayet.

29. In the case of an irrigation work, irrigating lands in more than one village, the Deputy Commissioner may, if he deems it expedient, constitute an Irrigation Board consisting of all the members of the constituent Panchayets or delegates therefrom, as the circumstances may require. In the latter case, the delegates shall be elected by each Panchayet from amongst its members, the number to be assigned to each Panchayet being determined by the Deputy Commissioner as nearly as may be in the proportion of the irrigable area of each village.

30. An Irrigation Board shall consist of not less than 5, and not more than 15 members.

31. The Chairman of the Board shall be nominated by the Deputy Commissioner from amongst the members of the Board.

32. Rules 18 to 28 shall apply, as far as possible to Irrigation Boards also.

33. When an Irrigation Board has been duly constituted in respect of an irrigation work, the Irrigation Panchayets of the villages irrigated by the work, shall cease to function in respect of such irrigation work.

APPENDIX A.

APPLICATION FOR WATER FOR IRRIGATION.

To

The Irrigation Officer,

District.

I, resident of Taluk, District

make this application for the supply of water under the Mysore Irrigation Regulation and Rules thereunder for the purpose of irrigating the undermentioned land, of which I am , subject to all the conditions and penalties under the abovementioned Regulation and Rules thereunder.

Name of Village	Survey No.	Total area of Survey No.		Area applied for		Kind of crop to be grown	Period for which water is required	Area allowed by the Irrigation Officer	Kind of crop allowed	Period for which water is allowed	Water rates to be charged per acre	Contribution to be charged	Remarks
		A.	G.	A.	G.								
1	2	3		4		5	6	7	8	9	10	11	12

Date

Signature of Patel

Signature of Shanbhog.

Signature (or lefthand thumb impression) of the applicant.

N. B. — Columns 7 to 12 should be filled in by the Irrigation Officer.

191